

**Table B – Maine Part B
Previously-Identified Issues**

Issue	State Submission	OSEP Analysis	Required Action
<p>Indicator 4 Suspension and Expulsion</p> <p>OSEP's October 27, 2005 response to the State's FFY 2003 APR required the State to, no later than 60 days from the date of the letter, either: (1) demonstrate that it was meeting the requirements of 34 CFR §300.146; or (2) submit a plan including strategies, proposed evidence of change, targets and timelines designed to ensure correction of the noncompliance. The letter further required the State to: (1) ensure compliance with the requirements of 34 CFR §300.146 as soon as possible and not more than one year after OSEP accepted the plan; (2) provide a progress report no later than 6 months from the date of the letter; and (3) submit a Final Report demonstrating compliance within 30 days following the one-year timeline.</p>	<p>Under indicator 4 (pages 26-31), the State reported that it compared the rate of long-term suspensions and expulsions of children with disabilities and nondisabled children within LEAs to determine if significant discrepancies were occurring, and included its definition of "significant discrepancy."</p> <p>The State identified 25 of 120 districts (21%) for 2004-2005 that met the criteria for possible significant discrepancies in the rate of long-term suspensions and expulsions.</p>	<p>On page 30 of the SPP, the State reported that the baseline data represented only those 120 LEAs that had reported as of October 21, 2005. The data also do not appear to compare the rates of long-term suspensions and expulsions of children with disabilities, aged 3-5, in Child Development Services (CDS) Regional Site Boards.</p> <p>In addition, the State is not currently in compliance with the requirements of 34 CFR §300.146(b), because it did not demonstrate that, in those districts where significant discrepancies occurred, the State reviewed, and if appropriate revised (or required the affected district to revise) its policies, procedures and practices relating to the development and implementation of IEPs, the use of behavioral interventions, and procedural safeguards, to ensure they comply with the IDEA.</p>	<p>As part of its submission of information for indicator 4 in the APR, due February 1, 2007, the State must provide documentation of compliance with the requirements of 34 CFR §300.146. The State must include data from all LEAs and CDSs, a description of its process for examining the existing policies, procedures and practices in those districts and CDSs where significant discrepancies occurred, and a summary of the results of its review. The State must review and, if necessary revise, its improvement strategies to ensure they will enable the State to include data in the APR, due February 1, 2007, that demonstrate full compliance with this requirement. Failure to demonstrate compliance at that time may affect OSEP's determination of the State's status under section 616(d) of the IDEA.</p>
<p>Indicator 11 Evaluation Timeline</p> <p>OSEP's October 27, 2005 response to the State's FFY 2003 APR required the State to submit a Final Report, by April 4, 2006, demonstrating correction of the identified noncompliance related to ensuring the completion of initial evaluations for preschool-aged children with disabilities, consistent with State timelines.</p>	<p>The State did not address this area of noncompliance in the SPP.</p>	<p>The State included no data to address this issue in the SPP. However, as OSEP stated on page 4 of its October 27, 2005 response to the FFY 2003 APR, the State reported in its September 2005 Progress Report that, as of June 2005, 145 of 4,863 evaluations were over the State's 60-day timeline for completing preschool evaluations, of which 24 were due to family circumstances (a statewide compliance level of 97.5%). While the level of compliance reported by the State is below 100% and requires continued implementation of improvement activities to achieve full compliance, OSEP recognizes the effort made by the State in working toward compliance with this requirement.</p>	<p>OSEP looks forward to reviewing data in the APR, due February 1, 2007, that demonstrate full compliance with this requirement.</p>

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<p>Indicator 13: Secondary Transition</p> <p>As noted in OSEP's October 27, 2005 response to the State's FFY 2003 APR, OSEP's March 2005 response to the State's FFY 2002 APR required the State to submit a Final Report, due April 4, 2006, demonstrating compliance with requirements regarding the statement of needed transition services by age 16. (34 CFR §300.347(b)(2))</p>	<p>On page 64 of the SPP, in response to indicator 13, the State reported that 96% of the schools monitored during 2003-2004, and 90% of the schools monitored during 2004-2005, included required transition content in IEPs.</p>	<p>While the level of compliance reported by the State is below 100% and requires continued implementation of improvement activities to achieve full compliance, OSEP recognizes the effort made by the State in working toward compliance with this requirement.</p>	<p>OSEP looks forward to reviewing data in the APR, due February 1, 2007, that demonstrate full compliance with this requirement.</p>
<p>Indicator 15 Correction of Identified Noncompliance</p> <p>OSEP's October 27, 2005 response to the State's FFY 2003 APR required the State to submit, with the SPP, clear information regarding the State's effectiveness in identification and correction of noncompliance for preschool- and school-aged children placed by public agencies in private, special-purpose schools.</p>	<p>On December 1, 2005, the State submitted a copy of its Part B Monitoring Tool, but included no information in that submission or the SPP that specifically addressed its effectiveness in identification and correction of noncompliance for preschool- and school-aged children placed by public agencies in private, special-purpose schools.</p>	<p>Based on the information provided by the State, OSEP cannot determine the State's effectiveness in identification and correction of noncompliance for preschool and school-aged children placed by public agencies in private, special-purpose schools.</p>	<p>With the FFY 2005 APR, due February 1, 2007, Maine must provide documentation that it is effectively identifying and correcting noncompliance related to services for school-aged and preschool-aged children with disabilities that public agencies place in private, special-purpose schools. Failure to demonstrate compliance at that time may affect OSEP's determination of the State's status under section 616(d) of the IDEA.</p>

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Issue	State Submission	OSEP Analysis	Required Action
<p>Indicator 15 Correction of Noncompliance</p> <p>In its FFY 2003 APR, the State described revisions to its policies, procedures and practices regarding timely correction of previously-identified noncompliance. The State's September 2005 Progress Report included further explanation regarding the correction of noncompliance in school-aged programs stating that, through the State's new focused monitoring, local educational agencies (LEAs) now have only one year to reach 100 percent correction of noncompliance identified through monitoring. OSEP's October 27, 2005 response to the FFY 2003 APR stated that it would determine, based on data in the SPP, whether the State needed to continue reporting on this issue in the Final Report, due April 4, 2006.</p>	<p>On page 71 of the SPP, the State indicated that, as of December 2005, it was ensuring the correction of all identified noncompliance within one year of identification.</p>	<p>The State reported full correction of the previously identified noncompliance with the requirement at 34 CFR §300.600. However, the State did not provide the measurement information required under indicators 15A, 15B and 15C in reporting its baseline data.</p>	<p>OSEP looks forward to reviewing data in the APR, due February 1, 2007, demonstrating continued compliance with this requirement. As noted in Table A, the State must include the measurement information required under indicators 15A, 15B and 15C.</p>
<p>Indicator 15 Correction of Noncompliance Provision of Services for Preschool Children</p> <p>OSEP's October 27, 2005 response to the State's FFY 2003 APR required the State to submit in its SPP, updated data to address noncompliance under 34 CFR §§300.300(a) and 300.350(a)(1), regarding the provision of services to preschool-aged children as set forth in their IEPs/IFSPs, due to personnel shortages. OSEP would decide, based upon those data, whether the State needed to submit a Final Report, due April 4, 2006, that included data demonstrating full compliance.</p>	<p>The State did not address this area of noncompliance in the SPP.</p>	<p>The State included no data to address this issue in the SPP. However, as OSEP stated on page 5 of its October 27, 2005 response to the State's FFY 2003 APR, the State reported in its September 2005 Progress Report that, as of June 2005, 95.37% of children aged 3-5 were receiving the speech services, 96.79% were receiving occupational therapy services, 94.33% were receiving physical therapy services, and 97.32% were receiving developmental therapy services specified on their IEPs/IFSPs. While the levels of compliance reported by the State are below 100% and require continued implementation of improvement activities to achieve full compliance, OSEP recognizes the effort made by the State in working toward compliance with this requirement.</p>	<p>OSEP looks forward to reviewing data in the APR, due February 1, 2007, that demonstrate full compliance with this requirement. The State must, as part of the data that it submits for indicator 15B, provide data specific to the correction of noncompliance regarding the provision of services to preschool-aged children, as set forth in their IEPs/IFSPs.</p>

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<p>Indicator 15 Correction of Noncompliance Secondary Transition</p> <p>OSEP's March 2005 response to the State's FFY 2002 APR required that, for the two secondary transition areas with newly-identified noncompliance -- (1) agency responsibilities (34 CFR §300.348(a)); and (2) age of majority (34 CFR §300.347(c)) -- the State submit, within 60 days of that letter, a plan to correct the noncompliance. In its FFY 2003 APR, the State provided data from which OSEP could not determine whether the State had corrected, or even decreased, the noncompliance in those two areas. OSEP's October 27, 2005 response to the State's FFY 2003 APR required the State to submit, not later than 60 days from the date of the letter, a plan with strategies, proposed evidence of change and timelines, to ensure correction of both areas of noncompliance, as soon as possible but no later than one year from the date on which OSEP accepted the plan.</p>	<p>The State has not, in either the SPP or any other document, submitted a plan that is specific to correction of these two areas of noncompliance.</p>	<p>Although the State has not, in either the SPP or any other document, submitted a plan that is specific to correction of these two areas of noncompliance, the State included, in reference to indicator 15 on page 72 of its SPP, strategies to ensure the timely correction of noncompliance.</p>	<p>With its response to indicator 15 in the FFY 2005 APR, due February 1, 2007, the State must submit documentation that it has ensured the correction of the noncompliance related to the requirements regarding: (1) agency responsibilities (34 CFR §300.348(a)); and (2) age of majority (34 CFR §300.347(c)). The State must ensure that it is implementing its improvement strategies to enable it to include data in the APR that demonstrates correction of these specific areas of noncompliance. The State must include the number of findings of noncompliance related to these specific requirements made in 2004-2005 and the number of findings that were corrected as soon as possible but no later than one year from identification. Failure to demonstrate compliance at that time may affect OSEP's determination of the State's status under section 616(d) of the IDEA.</p>
<p>Indicator 15 Correction of Noncompliance Secondary Transition</p> <p>As noted in OSEP's October 27, 2005 response to the State's FFY 2003 APR, OSEP's March 2005 response to the State's FFY 2002 APR required the State to submit a Final Report, due April 4, 2006 demonstrating compliance with requirements regarding: (1) inviting a student and a representative of another agency to the IEP meeting (34 CFR §300.348(a)); and (2) transition-related content of the IEP meeting notification (34 CFR §300.347(b)).</p>	<p>The State did not address this area of noncompliance in the SPP.</p>	<p>The State included no data to address this issue in the SPP. However, as OSEP stated on page 16 of its October 27, 2005 response to the FFY 2003 APR, the State reported in its September 2005 Progress Report that noncompliance was found with secondary transition requirements in only two of the 46 districts monitored in 2004-2005 and the other 44 districts were in 100% compliance. While the level of compliance reported by the State is below 100% and requires continued implementation of improvement activities to achieve full compliance, OSEP recognizes the effort made by the State in working toward compliance with these requirements.</p>	<p>OSEP looks forward to reviewing data in the APR, due February 1, 2007, that demonstrate full compliance with these requirements. The State must, as part of the data that it submits for indicator 15B, provide data that are specific to the correction of noncompliance regarding: (1) inviting a student and a representative of another agency to the IEP meeting (34 CFR §300.348(a)); and (2) transition-related content of the IEP meeting notification (34 CFR §300.347(b)).</p>

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<p>Indicator 17 Due Process Hearings</p> <p>OSEP's October 27, 2005 response to the State's FFY 2003 APR required the State to submit a Final Report, by April 4, 2006, demonstrating compliance regarding the timeliness of due process hearing decisions (34 CFR §300.511(a)).</p>	<p>Data on page 75 of the SPP showed that of 17 hearing requests during 2004-2005, the State resolved 16 within extended timelines, and did not resolve one within 45 days or an extended timeline. The State further reported that only one hearing officer was available during the period of time from January 2005 through May 23, 2005, but that, as of August 2, 2005, the State had four regular hearing officers and two additional back-up/emergency hearing officers.</p>	<p>The SPP showed a statewide compliance rate of 94.6% for FFY 2004, and included strategies to ensure full compliance. While this level of compliance is below 100% and requires improvement activities to achieve full compliance, OSEP recognizes the effort made by the State in achieving a high level of compliance with this requirement.</p>	<p>OSEP looks forward to reviewing data in the APR, due February 1, 2007, that demonstrate full compliance with this requirement.</p>
<p>Indicator 20 Timely and Accurate Data</p> <p>OSEP's October 27, 2005 response to the State's FFY 2003 APR required the State to submit, with the SPP, data and analysis (including targets, strategies, explanation of progress or slippage, proposed evidence of change and timelines) to address collection and timely reporting of accurate data for preschool- and school-aged children.</p>	<p>On pages 83-84 of the SPP, the State included information showing that data submissions under section 618 were made on time. In addition, the State assured that its data are accurate and valid and that its performance was at 100% for this indicator.</p>	<p>The State reported that its data are accurate and timely.</p>	<p>OSEP looks forward to reviewing data in the APR, due February 1, 2007, regarding the accuracy and timeliness of the State's data.</p>